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Attorney for Plaintiff
KEYHERRA GREEN

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEYHERRA GREEN,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a political subdivision of the State
of Nevada and the County of Clark and operating
CLARK COUNTY DETENTION CENTER
(CCDC); NAPHCARE, INC., a foreign corporation,
doing business in State of Nevada and is the Medical
Care Provider for the Clark County Detention
Center; FRED MERRICK; LORA CODY;
MENENLYN ELIZAN; RAY MONTENEGRO;
GWENDOLYN MYERS; and DOES 4-10, inclusive,

Defendants.

Case No. 2:20-cv-00769-KJD-DJA

**STIPULATION TO EXTEND
DISCOVERY**

(Fifth Request)

IT IS HEREBY STIPULATED AND AGREED between the parties that: the discovery cut-off of November 5, 2021, be continued for a period of sixty (60) days up to and including, **January 4, 2022**, for the purpose of allowing the parties to complete written discovery, take depositions of the parties and Rule 30(b)(6) witnesses and disclose expert/rebuttal expert witnesses; and so that other deadlines be adjusted accordingly, as set forth herein.

I. DISCOVERY COMPLETED TO DATE

The parties have exchanged their initial Rule 26 Disclosures and multiple Supplemental Disclosures. Plaintiff has responded to written discovery (Interrogatories, Requests for Admissions, Requests for Production of Documents) propounded by each of the Defendants. Each Defendant has responded to numerous written discovery requests from Plaintiff. Currently the parties are attempting to resolve a discovery dispute about the production of certain documents. Defendants filed a Motion for Protective Order on June 11, 2021, Plaintiff's response was filed on June 25, 2021, and Defendants filed a Reply on July 2, 2021. The Court granted the Protective Order on August 11, 2021 precluding Plaintiff from propounding additional written discovery on Defendants absent permission from the Court.

The deposition of Defendant Merrick has been taken. The LVMPD Defendants served numerous third-party subpoenas; many out of state.

II. DISCOVERY YET TO BE COMPLETED

The LVMPD Defendants are still attempting to obtain responses to various out of state subpoenas.

The depositions of Defendant Cody and Plaintiff still need to be taken. Thereafter, additional third-party depositions may be noticed.

Plaintiff's deposition has not yet been taken.

III. REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

The parties have been diligent in their attempts to complete discovery, however, more time is needed. The discovery in this case has been more voluminous than initially anticipated by the parties. Defendants have raised claims of privilege and confidentiality-based objections. In addition, Defendants served a 10th Supplemented Disclosures on August 12, 2021 and provided numerous training records regarding witness identifications among other subjects. Further, the parties have been occupied with extensive motion practice in this case. Among other things, Defendants filed a Motion for Judgment on the Pleadings on July 2, 2021, Plaintiff filed her response on July 9, 2021 and Defendants' filed their Reply on July 16, 2021. No ruling has yet been issued. The motion practice has temporarily diverted the parties' resources from discovery.

1 This Request is being made at this time so that it is timely and because retained experts will
2 need discovery materials in order to prepare and provide initial reports.

3 **IV. PROPOSED EXTENDED DEADLINES**

4 The parties respectfully request this Court enter an order as follows:

5 **(A) Discovery Deadline.**

6 The current discovery cut-off date of November 5, 2021, should be extended for a period of
7 sixty (60) days, up to and including **January 4, 2022**.

8 **(B) Experts and Rebuttal Experts.**

9 The parties shall disclose expert reports sixty (60) days before the close of discovery, on or
10 before **November 5, 2021**. The parties will disclose rebuttal experts (30) days prior to the close of
11 discovery on **December 6, 2021** (30 days prior to the close of discovery is December 5, 2021, a
12 Sunday, therefore, the deadline would be the following business day).

13 **(C) Dispositive Motions.**

14 All pretrial motions, including but not limited to, discovery motions, motions to dismiss,
15 motions for summary judgment, and all other dispositive motions shall be filed and served no later
16 than thirty (30) days after the close of discovery, or by **February 3, 2022**.

17 **(D) Motions in Limine/*Daubert* Motions.**

18 Under LR 16-3(b), any motions in limine, including *Daubert* motions, shall be filed and
19 served thirty (30) days prior to the commencement of Trial. Oppositions shall be filed and served
20 and the motion submitted for decision fourteen (14) days thereafter. Reply briefs will be allowed
21 only with leave of the Court.

22 **(E) Pretrial Order.**

23 Pursuant to LR 26(1)(e)(5), the Joint Pretrial Order shall be filed with this Court no later than
24 thirty (30) days after the date set for filing dispositive motions, or by **March 7, 2022** (30 days after
25 the date set for filing dispositive motions is Saturday, March 5, a Saturday, therefore, the deadline
26 would be the following business day), unless dispositive motions are filed, in which case the date for
27 filing the Joint Pretrial Order shall be suspended until thirty (30) days after the decision on the
28

dispositive motions or further order of this Court. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections shall be included in the final pretrial order.

This request for an extension is made in good faith and joined by all the parties in this case. The request is timely pursuant to LR 26-3. Trial is not yet set in this matter and dispositive motions have not yet been filed. Accordingly, this extension will not delay the case. Moreover, since this request is a joint request, neither party will be prejudiced. The extension will allow the parties the necessary time to complete discovery.

DATED this 23rd day of August, 2021.

PETER GOLDSTEIN LAW CORP

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Las Vegas Metropolitan Police
Department, Fred Merrick and
Lora Cody

IT IS SO ORDERED

DATED this 24th day of August 2021.

Daniel J. Albregts
 United States Magistrate Judge

CERTIFICATE OF SERVICE


I am employed in the County of Clark, State of Nevada. I am over the age of eighteen years and not a party to the within action; my business address is 10161 Park Run Drive, Suite 150, Las Vegas, Nevada 89145.

I hereby certify that on this 23rd day of August, 2021, a true and correct copy of the following document **STIPULATION TO EXTEND DISCOVERY (Fifth Request)** was served by electronically filing with the Court's CM/ECF electronic filing system to the following parties:

Lyssa S. Anderson, Esq.
Ryan W. Daniels, Esq.
Kristopher Kalkowski, Esq.
Erika Parker, Esq.
Joseph Dagher, Esq.
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*Attorneys for Defendants
Las Vegas Metropolitan Police Department,
Fred Merrick and Lora Cody*

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

By: 
An Employee of Peter Goldstein Law Corp